IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31876 of 2007(T)

PETITIONER:

P.P.JOHNSON, S/O.PERU JOHN,
PARUTHIKATHARA HOUSE, ARANGATHU ROAD,
KOCHI-682 018.

BY ADV. SMT.K.A.ANGEL TREENA
SMT.ARLISS TRENCY ANTONY
SMT.O.K.JASEETHA

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
CIVIL STATION BUILDING, KAKKANAD,
ERNAKULAM-682 030.

2. CORPORATION OF KOCHI, REP. BY ITS
SECRETARY, ERNAKULAM, PIN-682 011.

3. SECRETARY, CORPORATION OF KOCHI,
ERNAKULAM-682 011.

4. AC CITY PROJECTS PVT.LTD.,
REP. BY ITS MANAGING DIRECTOR,
SANA COMPLEX, PIPE LINE JUNCTION, M.V.ROAD,
PALARIVATTOM, KOCHI-682 025.

R1 BY SR.GOVT.PLEADER MR.K.J.MOHAMMED ANZAR.
R2 AND R3 BY ADV.SRI.S.RAMESH BABU, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.31876 OF 2007

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DATED THIS THE 26TH OCTOBER, 2007

J U D G M E N T

Mr.S.Ramesh Babu, Standing Counsel takes notice on behalf of the 2nd respondent.

2. Heard Smt.Angel Treena K.A., counsel for the petitioner and Sri.S.Ramesh Babu, Standing Counsel for the Corporation.

3. The grievance of the petitioner is that the 4th respondent is constructing a high rise building in such a manner as to endanger the petitioner's building which is situated in close proximity. I do not propose to examine the genuineness of the above grievance. But Ext.P2 representation has been submitted before the 3rd respondent-Secretary of the Corporation. The 3rd respondent will take up Ext.P2 immediately, conduct necessary local inspection, issue notice to the 4th respondent, hear the petitioner and the 4th respondent and take a final decision on Ext.P2 at the earliest and at any rate within six weeks of receiving copy of this judgment. In the meanwhile, the 4th respondent is informed that the constructions which are being undertaken by them will be at their risk and they will be liable for payment of damages to the petitioner in case the grievances voiced by the petitioner in Ext.P2 are found to be true.

4. The petitioner is directed to serve a copy of this judgment on the 4th respondent also, as soon as the same is received, by registered post acknowledgment due.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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